

Outline of recent legislative and policy actions and their impact on the Montgomery County farm community

I. 2017 Maryland Legislative Session

- A. Senate Bill 817 proposed to amend Article 12-508 Public Safety Code Exemption for agricultural buildings used for agritourism.
- B. Senator Cheryl Kagan inquires if Montgomery County should be added.
 - 1. OAG recommends Montgomery County be added because this would be beneficial for the farming operations that offer agricultural and agritourism opportunities on their farms.
 - 2. DPS opposed the inclusion of Montgomery County and offers to adopt our own local version of Public Safety Code 12-508.

II. ZTA 16-12 and Bill 35-16 (Effective February 13, 2017)

- A. The International Building Code definitions are being used because Chapter 8 Building Code and Chapter 50 Subdivision does not define agriculture or farming.

III. Challenges facing our Agricultural Community

- A. ZTA 16-12 and Bill 35-16 are negatively impacting the farmers.
- B. Building permits for certain agricultural buildings/structures on farms that were previous exempt now require commercial building permits.
 - 1. Farmers will now be required to obtain commercial building permits. Examples of agricultural buildings where accessory agricultural processing is conducted are as follows: wineries, breweries, milk plant-creamery, etc.
 - 2. Commercial building permits for these type of farming operations will trigger a commercial sediment and erosion control plan and forest conservation requirements that are often in conflict with the goals of farming.
- C. The International Building Code definition of an Agriculture Building:
A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
 - 1. This definition represents a totally new policy for County farming operations with agricultural processing that is allowed as accessory use to farming under the zoning code.
 - 2. This definition is very restrictive when agricultural products are processed, treated or packaged.
- D. A commercial building on a farm used for agricultural purposes can be taxed at a commercial property tax rate that negatively impacts the farmers bottom line.

1. Farmers will lose money associated with the new cost of doing business in Montgomery County further substantiating the perception that the County is not business friendly.

IV. Current County farmers whose operations are being jeopardized by the current environment:

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| A. Butler's Orchard | E. Mark Giganti |
| B. George Linn | F. Jamie Jamison |
| C. Michael Protas | G. Kevin Keys |
| D. Robert Butz | |

V. We need to work together to find solutions that foster profitable farming operations and are beneficial to the County residents.

1. OAG organized a tour for DPS, MNCPPC, and Intergovernmental Affairs staff to better understand how Loudoun County, VA allows agricultural buildings for agritourism without sacrificing public safety.
2. Recommendations
 - i. Montgomery County can adopt a local version of MD Code Public Safety 12-508 that is more consistent with the legislative intent of the Agricultural Reserve.
 - ii. Since the definitions of agriculture and farming from Chapter 59 Zoning are inclusive of all types of farming practices of modern agriculture, they could be inserted into Chapters 8 and 50 and used by DPS for agriculturally related uses and buildings in Montgomery County.
 - iii. Agriculture "Seeds of Success" based on "Recipes for Success"

VI. Next Steps